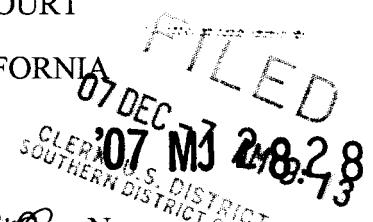


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UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

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CLERK SOUTHERN U.S. DISTRICT COURT
OF CALIFORNIA

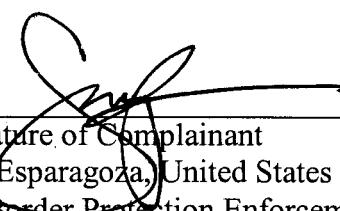
UNITED STATES OF AMERICA,)
Plaintiff,)
v.)
LUNA-Garcia, Jose Manuel)
Defendant.)

Magistrate Case No. **COMPLAINT FOR VIOLATION OF**Title 8, U.S.C., Section 1324(a)(2)(B)(iii)
Bringing in Alien(s)
Without Presentation

The undersigned complainant being duly sworn states:

On or about **December 6, 2007**, at the **San Ysidro Port of Entry**, within the Southern District of California, defendant **Jose Manuel LUNA-Garcia** with the intent to violate the immigration laws of the United States, knowingly and in reckless disregard of the fact that aliens, namely, **Emmanuel DE LA TORRE-Gonzalez, Francisco Javier GARCIA-Martinez, and Juanita RAMIREZ-Garcia**, had not received prior official authorization to come to, enter and reside in the United States, did bring to the United States said aliens, and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.



Signature of Complainant
Sara Esparagoza, United States Customs
and Border Protection Enforcement Officer

Sworn to before me and subscribed in my presence this 7th day of December, 2007.



United States Magistrate Judge



PROBABLE CAUSE STATEMENT

The complainant states that **Emmanuel DE LA TORRE-Gonzalez, Francisco Javier GARCIA-Martinez, and Juanita RAMIREZ-Garcia** are citizens of a country other than the United States; that said aliens have admitted they are deportable; that their testimony is material; that it is impracticable to secure their attendance at trial by subpoena; and that they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On December 6, 2007 at approximately 2:41 PM, **Jose Manuel LUNA-Garcia (Defendant)** made application for admission to the United States from Mexico at the San Ysidro Port of Entry via vehicle primary. Defendant was the driver of a 1998 Chevrolet Malibu. Defendant presented a Border Crosser document (form DSP-150) bearing the name Gabriel COLLINS-Tejeda to a Customs and Border Protection (CBP) Officer. Defendant declared ownership of the vehicle and stated he was going to San Diego. The CBP Officer asked Defendant to open the trunk of the vehicle and discovered persons concealed therein. Defendant was escorted to secondary and the vehicle was driven into the lot for further inspection.

During secondary inspection, four individuals were removed from the trunk of the vehicle. All admitted to being citizens of Mexico without legal documents to enter the United States. Three are now identified as **Emmanuel DE LA TORRE-Gonzalez, Francisco Javier GARCIA-Martinez, and Juanita RAMIREZ-Garcia** and were held as material witnesses.

At approximately 5:35 PM Defendant was advised of his Miranda Rights and elected to make a statement without the presence of counsel. Defendant admitted knowledge of the four persons concealed in the trunk of the vehicle and stated he was going to receive a discounted smuggling fee of \$1,500. Defendant admitted he is not the lawful owner of the document he presented. Defendant stated he was going to drop the vehicle off at a gas station in Chula Vista, California.

Material Witnesses made the following statements during a videotaped interview. All Material Witnesses admitted being citizens of Mexico without legal documents to enter into the United States. Material Witnesses stated they were en route to California and were going to pay fees ranging from an unknown amount to \$4,000 to be smuggled into the United States.